

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a Washington
corporation,

Plaintiff,

v.

MOTOROLA, INC., and MOTOROLA
MOBILITY LLC, and GENERAL
INSTRUMENT CORPORATION,

Defendants.

CASE NO. C10-1823-JLR

DEFENDANTS' RESPONSE TO
MICROSOFT'S MOTION TO SEAL RE
ITS RULE 702 MOTION TO PRECLUDE
TESTIMONY BY MOTOROLA'S
EXPERTS

**NOTED ON MOTION CALENDAR:
Friday, July 19, 2013**

DEFENDANTS' RESPONSE TO MICROSOFT'S MOTION TO
SEAL RE ITS RULE 702 MOTION TO PRECLUDE
TESTIMONY BY MOTOROLA'S EXPERTS
CASE NO. C10-1823-JLR

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1 **I. INTRODUCTION**

2 Defendants Motorola, Inc. (now Motorola Solutions, Inc.), Motorola Mobility, Inc. and
3 General Instrument Corp. (collectively “Motorola”) do not oppose Microsoft’s Motion to Seal Re
4 Its Rule 702 Motion to Preclude Testimony by Motorola’s Experts (Dkt 717) regarding the
5 following documents:

- 6 • Exhibits 4, 6¹, 10, and 11 to the Declaration of Christopher Wion in Support of
7 Microsoft’s Rule 702 Motion to Preclude Testimony by Motorola’s Experts (“Wion
8 Daubert Declaration”)
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10 **II. MOTOROLA DOES NOT OPPOSE MICROSOFT’S MOTION TO SEAL.**

11 Exhibit 4 to the Wion Daubert Declaration is the Expert Report of Gregory K. Leonard,
12 Ph.D, which was designated by Motorola as “CONFIDENTIAL BUSINESS INFORMATION
13 SUBJECT TO PROTECTIVE ORDER.” The report references non-public commercially
14 sensitive information regarding Motorola’s business and licensing practices and strategies.
15 Disclosure of this information to third parties and other party employees not covered by the
16 Protective Order would have the potential to lead to competitive harm. Microsoft filed a public
17 version of Exhibit 4, from which Motorola’s and Microsoft’s confidential business information
18 was redacted. Motorola takes no position at this time with respect to the propriety of Microsoft’s
19 requests as to this document. Motorola maintains that portions of paragraphs 17, 66, 70, 71 of
20 Exhibit 4 should remain under seal.
21

22 Exhibit 6 to the Wion Daubert Declaration is the Expert Rebuttal Report of Gregory K.
23 Leonard, Ph.D, which Motorola designated as “CONFIDENTIAL BUSINESS INFORMATION
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25 ¹ Microsoft’s Motion to Seal indicates that Exhibit 5 to the Wion Daubert Declaration is the Leonard Rebuttal
26 Report. This appears to be a typographical error because Exhibit 6 is the Leonard Rebuttal Report. Exhibit 5 was
filed publicly. Accordingly, Motorola addresses the Leonard Rebuttal Report by correct exhibit number herein.

1 SUBJECT TO PROTECTIVE ORDER.” The report references non-public commercially
2 sensitive information regarding Motorola’s business and licensing practices and strategies.
3 Disclosure of this information to third parties and other party employees not covered by the
4 Protective Order would have the potential to lead to competitive harm. Microsoft filed a public
5 version of Exhibit 6, from which Motorola’s confidential business information was redacted. The
6 redacted portion of paragraph 6 should remain under seal.
7

8 Exhibits 10 and 11 are documents that Microsoft has requested remain sealed. Motorola
9 takes no position at this time with respect to the propriety of Microsoft’s requests as to these
10 documents.

11 **III. CONCLUSION**

12 Motorola does not oppose Microsoft’s Motion to Seal Re Its Rule 702 Motion to Preclude
13 Testimony by Motorola’s Experts (Dkt 717). Nothing herein is intended as a waiver of
14 Motorola’s right to contest Microsoft’s designation of material as Confidential Business
15 Information in accordance with the terms of the Protective Order. Motorola expressly reserves the
16 right to do so as the circumstances warrant.
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1 DATED this 17th day of July, 2013.

2 Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 17th day of July, 2013.

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